REMARKS

Claims 1, 11, 14 and 15 have been amended. The amendment to claim 1 brings material from the preamble into the body of the claim and adds a step. The amendment to claim 11 adds amendments analogous to those of claim 1. Amendments to claims 14 and 15 are directed to addressing informalities, correcting inaccuracies and 112 objections.

Rejection under 35 USC § 102(b)

Claim 1 has been rejected under 35 USC 102(b) as anticipated by Wake.

Amended claim 1 now contains in its body the limitation as to dividing control information etc. and transmitting the out-of-band portion of the information etc. Wake does not disclose dividing control information into an in-band portion and an out-of-band portion (e.g., element (a)) or transmitting the out-of-band portion along a path for control/signaling from one of the first and second layer devices to another. Accordingly, claim 1 is distinguished from Wake.

One further distinction from Wake resides in the fact that the control information in Wake is delivered with the facsimile whereas with Applicant's invention, it is not. The G3 control frame refers to the control information within the context of the client application, namely, the facsimile. It does not control the function of the data link itself. Column 2, line 26 states the following: "a control frame generator for generating, in response to the input of a facsimile signal, a control frame having a speech data frame

configuration for identifying a facsimile signal identification data". Thus, one can see

that the data conveyed is a property of the facsimile client (namely facsimile signal

identification data) and not the operations of the data link itself. In the current

application, the out-of-band control signal controls the function of the bus itself. It states

whether the current bus cycle is carrying client data (in this case, facsimile signal

identification data would be client data) and bus control data such as end-of-transfer of a

particular client or the start-of-transfer of another client. In summary, the novel and non-

obvious difference between Wake and the current application is that the control referred

to in Wake is part of the client application while control in the current application is not

part of nor delivered to the client application.

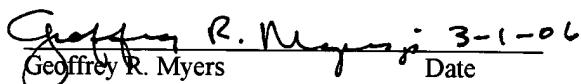Accordingly, re-consideration of the present application is respectfully solicited.

Respectfully submitted,

Date: _3 - 1 - 0 6_   By: _____

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